

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**SAMUEL HOUSTON,**

**Plaintiff,**

**v.**

**ARMY FLEET SERVICES, LLC.,**

**Defendants.**

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**Civil Action No.  
CV 06-243-MEF**

**DEFENDANT’S RESPONSE TO PLAINTIFF’S MOTION TO DISMISS COUNT TWO  
OF HIS COMPLAINT**

Defendant Army Fleet Support, LLC (“AFS”) responds to Plaintiff Samuel P. Houston’s Motion to Dismiss Count Two of his Complaint by stating that it has no objection to the dismissal of Count Two, with prejudice.

Respectfully submitted this 16<sup>th</sup> day of May, 2007.

s/ Monica G. Graveline

One of the Attorneys for Defendant  
Army Fleet Support, LLC

**OF COUNSEL:**

M. Jefferson Starling (STA062)  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 16<sup>th</sup> day of May, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Jimmy Jacobs(JAC051)  
4137 Carmichael Road, Suite 100  
Montgomery, Alabama 36106

s/ Monica G. Graveline  
OF COUNSEL